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April 16, 2002

To: County Office of Education Chief Business Officers  
Charter School Administrators

From: Janet Sterling, Director  
School Fiscal Services Division

Subject: Revised Charter School Attendance Forms, 2001-02 Fiscal Year

Enclosed are revised charter school attendance forms that are to be used for reporting average daily attendance (ADA) for the 2001-02 fiscal year Second and Annual period reports of attendance. The revisions were made as a result of changes in law enacted through Senate Bill (SB) 740 (Chapter 892, 2001).

SB 740 (*Education Code* sections 47612.5 and 47634.2) established potential funding reductions for charter schools that offer specified levels of nonclassroom-based instruction. Pursuant to SB 740, charter schools in which more than 20 percent of their total instruction is nonclassroom-based must obtain a determination of funding from the State Board of Education (SBE) to establish the level of funding to be provided for their nonclassroom-based ADA.

To implement these provisions, we must collect the classroom-based ADA in each charter school, in addition to the total ADA, for each category specified on the forms. ADA may be reported as classroom-based if it meets **all** of the following criteria established by SB 740 and Article 1.5 of Subchapter 19 or Chapter 11 of Division 1 of Title 5 of the California Code of Regulations.

- 1) The charter school's pupils must be engaged in educational activities required of those pupils and be under the immediate supervision and control of an employee of the charter school who is authorized to provide instruction to pupils within the meaning of *Education Code* section 47605(l). Section 47605(l) requires charter school teachers in core, college preparatory courses to hold a Commission on Teacher Credentialing certificate, permit, or other document equivalent to that which a teacher in other public schools would be required to hold.

- 2) The charter school's schoolsite is a facility that is used principally for classroom instruction. When not being used by the charter school for classroom instruction, the facility may be rented, leased, or allowed to be used for other purposes and still be deemed to be principally for classroom instruction.
- 3) At least 80 percent of the instructional time offered by the charter school must be at the schoolsite. The requirement to be "at the schoolsite" is satisfied if either of the following conditions is met: 1) the facility in which the pupils receive instruction is owned, rented, or leased by the charter school principally for classroom instruction, provided to the charter school by a school district pursuant to Education Code section 47614 principally for classroom instruction, or provided to the charter school free-of-charge principally for classroom instruction pursuant to a written agreement; or 2) the charter school's pupils are on a field trip during which the pupils remain under the immediate supervision and control of the employee and are carrying out an educational activity required of the pupils.

The requirement to be "at the schoolsite" is not satisfied if the pupils are in a personal residence (i.e. a dwelling), even if space in the residence is set aside and dedicated to instructional purposes and/or the charter school rents or leases space in the residence for the provision of instruction.

- 4) The charter school must require its pupils be in attendance at the schoolsite at least 80 percent of the minimum instructional time required pursuant to *Education Code* section 47612.5(a)(1). Section 47612.5(a)(1) requires charter schools to offer, at a minimum, 36,000 instructional minutes in kindergarten, 50,400 instructional minutes in grades 1 to 3, inclusive, 54,000 instructional minutes in grades 4 to 8, inclusive, and 64,800 instructional minutes in grades 9 to 12, inclusive. To meet the definition of classroom-based, charter schools must require the attendance of their pupils at least 80 percent of those specified minutes.

If the ADA does not meet **all** four of the above criteria, then it should not be included on the classroom-based ADA line. We will compare the reported classroom-based ADA and total ADA. If classroom-based ADA is 80 percent or more of total ADA, then all of the school's reported ADA will be deemed classroom-based. If classroom-based ADA is less than 80 percent of the total ADA, then the difference in the total ADA and the classroom-based ADA will be nonclassroom-based ADA. If a charter school received a 95 percent funding determination, the five percent funding reduction will be applied only to the nonclassroom-based ADA.

If a school's classroom-based ADA is less than 80 percent of its total ADA and a determination of funding request has not been submitted, it should be sent to us immediately. Pursuant to SB 740, any charter school that has nonclassroom-based ADA and has not received a determination of funding from the SBE will have all of its nonclassroom-based funding cut at P2.

Determination of funding request forms and instructions may be obtained on our Web site at:

<http://www.cde.ca.gov/charter/regs/>.

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All revised charter ADA forms have been enclosed for your convenience. Please refer to the description header on each form to determine which one is applicable. If you have already printed the 2001-02 ADA forms, please replace those with the revised forms.

J-18/19CH	(Rev. 04/02)
J-18/19CH/BG	(Rev. 04/02)
J-18/19CH/BG/U	(Rev. 04/02)
J-27/28CH/BG	(Rev. 04/02)

The revised forms are also available on the Principal Apportionment Web site at:  
[http://www.cde.ca.gov/fiscal/principal\\_app/](http://www.cde.ca.gov/fiscal/principal_app/).

The county office of education should also advise school districts that have authorized charter schools of the revisions as soon as possible by providing them a copy of this letter and the applicable ADA forms.

If you have questions regarding SB 740, please contact Keith Edmonds at (916) 327-4628 or by e-mail at [kedmonds@cde.ca.gov](mailto:kedmonds@cde.ca.gov); questions regarding the ADA forms should be referred to Annette Liccardo at (916) 324-4538 or by e-mail at [aliccard@cde.ca.gov](mailto:aliccard@cde.ca.gov).

JS:cc

Enclosures

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